

# **EXHIBIT 1**

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

MARACELLA BARTH,

*Plaintiff,*

v.

PARALLON ENTERPRISE LLC,

*Defendant.*

Case No.: 2016-CV25583

Div.: 2

**NOTICE AND ACKNOWLEDGEMENT FOR SERVICE BY MAIL**

TO: STK REGISTERED AGENT INC.  
900 W. 48<sup>TH</sup> Place  
Suite 900  
Kansas City, MO. 64112

The enclosed summons and petition are served pursuant to Missouri Supreme Court Rule 54.16.

You may sign and date the acknowledgment part of this form and return one copy of the completed form to the sender within thirty days of December 21, 2020. If you are served on behalf of a corporation, unincorporated association, including a partnership, or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority. If you do not complete and return the form to the sender within thirty days, you or the party on whose behalf you are being served may be required to pay any expenses

incurred in serving a summons and petition in any other manner permitted by law. If you do complete and return this form, you or the party on whose behalf you are being served must answer the petition within thirty days of the date you sign the acknowledgment below. If you fail to do so, judgment by default may be taken against you for the relief demanded in the petition.

I DECLARE, UNDER PENALTY OF PERJURY, THAT THIS NOTICE WAS  
MAILED ON December 21, 2020.

/s/ Christie Jess  
Signature

**ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION**

I declare, under penalty of filing a false affidavit, that I received a copy of the Summons  
and of the Petition in the above captioned matter.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority  
Receive Service of Process

\_\_\_\_\_  
Date Signed

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

MARACELLA BARTH,

*Plaintiff,*

v.

PARALLON ENTERPRISE LLC,

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Entity/Authority  
Receive Service of Process

\_\_\_\_\_  
Date Signed

**EMPLOYEE RIGHTS LAW FIRM**  
Law Offices of Mark A. Jess, LLC

Kansas City Livestock Exchange Building  
1600 Genessee, Suite 842  
Kansas City, Missouri 64102-5639

Law Offices of Mark A. Jess  
Employee Rights Law Firm  
1600 Genessee, Suite 842  
Kansas City, MO. 64102





IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 2016-CV25583
Plaintiff/Petitioner: MARACELLA BARTH	Plaintiff's/Petitioner's Attorney/Address MARK ALLEN JESS EMPLOYEE RIGHTS LAW FIRM 1600 GENESSEE SUITE 842 KANSAS CITY, MO 64102-5639
Defendant/Respondent: PARALLON ENTERPRISE LLC AKA HEALTHTRUST WORKFORCE SOLUTIONS	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Employment Discrimination 213.111	(Date File Stamp)

Summons in Civil Case

<p>The State of Missouri to: PARALLON ENTERPRISE LLC AKA HEALTHTRUST WORKFORCE SOLUTIONS</p> <p>Alias: RA: STK REGISTERED AGENT INC 900 W. 48TH PLACE STE. 900 KANSAS CITY, MO 64112</p> <p>COURT SEAL OF  JACKSON COUNTY</p>	<p><b>PRIVATE PROCESS SERVER</b></p> <p>You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.</p> <p>17-DEC-2020 Date</p> <p>Further Information:</p> <p> Clerk</p>
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<p><b>Sheriff's or Server's Return</b></p> <p><b>Note to serving officer:</b> Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____ (address)</p> <p>Served at _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p> <p>_____ Printed Name of Sheriff or Server</p> <p>_____ Signature of Sheriff or Server</p> <p><b>Must be sworn before a notary public if not served by an authorized officer:</b></p> <p>Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public</p>	
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<p><b>Sheriff's Fees</b></p> <p>Summons \$ _____</p> <p>Non Est \$ _____</p> <p>Sheriff's Deputy Salary \$ _____</p> <p>Supplemental Surcharge \$ 10.00</p> <p>Mileage \$ _____ ( _____ miles @ \$. _____ per mile)</p> <p><b>Total</b> \$ _____</p> <p>A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>	
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## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

6/2020



**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**MARACELLA BARTH,**

**PLAINTIFF(S),**

**CASE NO. 2016-CV25583  
DIVISION 2**

**VS.**

**PARALLON ENTERPRISE LLC AKA HEALTHTRUST WORKFORCE SOLUTIONS,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **KENNETH R GARRETT III** on **19-APR-2021** in **DIVISION 2** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### **MEDIATION**

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### **POLICIES/PROCEDURES**

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

**/S/ KENNETH R GARRETT III**

**KENNETH R GARRETT III, Circuit Judge**

### **Certificate of Service**

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### **Attorney for Plaintiff(s):**

KELLY J RUARK, 105 W KANSAS, SUITE A, LIBERTY, MO 64068

CHRISTIE SHERMAN JESS, EMPLOYEE RIGHTS LAW FIRM, 1600 GENESSEE, SUITE 842, KANSAS CITY, MO 64102

MARK ALLEN JESS, EMPLOYEE RIGHTS LAW FIRM, 1600 GENESSEE, SUITE 842, KANSAS CITY, MO 64102-5639

#### **Defendant(s):**

PARALLON ENTERPRISE LLC AKA HEALTHTRUST WORKFORCE SOLUTIONS

Dated: 17-DEC-2020

MARY A. MARQUEZ  
Court Administrator

## IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

MARACELLA BARTH,

*Plaintiff,*

v.

PARALLON ENTERPRISE LLC,

SERVE REGISTERED AGENT  
 STK REGISTERED AGENT INC.  
 900 W. 48<sup>TH</sup> PLACE  
 SUITE 900  
 KANSAS CITY, MO 64112,

*Defendant.*

Case No.:

Div.:

**DEMAND FOR JURY TRIAL****PETITION**

Plaintiff Maracella Barth ("Barth") for her claims and causes of action against the Parallon Enterprises LLC ("Parallon" or "Defendant") states and alleges the following:

**Facts Common to All Counts**

1. This case arises under the Missouri Human Rights Act, RSMo. § 213.010, *et seq.* ("MHRA") and RSMo. § 105.055.

2. Barth worked as a Registered Nurse working as a vascular access specialist, until Defendant illegally terminated her on January 8, 2019. Barth was called to meet her supervisor in

Independence, Missouri at the Centerpoint facility when she was terminated. Accordingly, venue is proper in this Court.

3. Defendant employed more than six employees in the State of Missouri such that it is an “employer” under RSMo. §213.010(8).

4. Defendant illegally discriminated against Barth based on her age in violation of the MHRA by terminating her and depriving her of employment opportunities.

5. Barth filed a charge of discrimination with the Missouri Commission on Human Rights within 180 days of the acts complained of and filed this Petition within 90 days after the date the right to sue letter was written. This action is timely, and Barth has exhausted all administrative prerequisites to filing this action. A copy of her right to sue letter is attached as Exhibit A.

6. Barth, at the time of the complained of events, was 52 years of age.

7. Barth started working for Parallon on November 10, 2017. When initially hired, Barth was a full-time employee.

8. On or about November 4, 2018, Barth was moved from a full-time employee to PRN (Pro Re Nata, meaning as needed). Barth’s schedule would vary according to the needs of the employer. Barth’s supervisor was Ivy Anderson. Barth would put her availability on the schedule and Anderson would prepare the work schedule for four weeks in advance.

9. Barth’s last day of work was December 18, 2018. Barth had been sick with pneumonia and was told on approximately December 21, 2018 by her supervisor, Ivy Anderson and Vice-President of Services, Christopher Frith, that she was not to report back to work until she had a doctor’s note that she was released as able to return to work.

10. On or about December 30, 2018, Barth emailed her doctor's work release to both Anderson and Frith so she could be placed back on the work schedule.

11. On January 8, 2019, Barth was contacted by her supervisor Anderson to meet at Centerpoint facility in Independence Missouri. Anderson informed Barth she was terminated for no calls/no shows. Barth was unaware that she would have been scheduled since she had previously been told she was not allowed to return to work until being released for return by a doctor.

12. During Barth's employment with Parallon, she was treated disparately because of her age by supervisor Anderson. Barth would get fewer shifts than younger nurses. Anderson had asked Mark Ryder (supervisor in training) to follow Barth during a shift and report back as to why she was slower than others on the job.

13. Barth had received agist text messages from supervisor, Anderson. These texts were discriminatory in nature referencing "hot flashes" and how Barth was killing her referencing time of being with patients and that she knows she's older than others on team.

14. Barth received harassing text messages from supervisor, Anderson regarding issues with her clocking in and/or out. Anderson would also switch Barth's work rooms without informing her of the change, ultimately causing her to be late for shifts.

15. Barth had emailed supervisor, Anderson and Vice President, Frith in regard to the constant bullying, harassment and age discrimination she contended with every shift she worked.

16. Defendant has had a pattern and practice of discriminating against older employees.

### **COUNT I**

#### **Age Discrimination in Violation of the Missouri Human Rights Act**

16. Barth restates and incorporates by reference all preceding paragraphs of this Petition.

17. Defendant illegally terminated Barth because of her age in direct violation of the MHRA.

18. As a direct and proximate result of Defendant's conduct, Barth has, and will continue to, sustain damages in the form of lost income and benefits and garden variety emotional distress.

WHEREFORE, Plaintiff, Maracella Barth, prays for judgment against Defendant, for her actual and punitive damages in an amount that is fair and reasonable, together with her costs and reasonable attorneys' fees, and for any other remedy that the Court deems equitable.

## **COUNT II**

### **Retaliation in Violation of the Missouri Human Rights Act**

20. Barth restates and incorporates by reference all preceding paragraphs of this Petition.

21. As a direct and proximate result of Defendant's conduct, Barth has, and will continue to, sustain damages in the form of lost income, benefits and garden variety emotional distress.

23. As equitable relief, Barth requests reinstatement or full payment of all lost wages and benefits in lieu thereof.

WHEREFORE, Plaintiff, Maracella Barth, prays for judgment against the Defendant, for her actual damages in an amount that is fair and reasonable, together with her costs and reasonable attorneys' fees, and for any other remedy that the Court deems equitable.

## **DEMAND FOR A JURY TRIAL**

Plaintiff demands a trial by jury on all triable issues herein.

Respectfully Submitted,

**EMPLOYEE RIGHTS LAW FIRM**  
**Law Offices of Mark A. Jess, LLC**

/s/ Mark A. Jess

Mark A. Jess MO No. 37946

Christie Jess MO No. 44919

Kelly Rosine Ruark MO No. 48119

Kansas City Livestock Exchange Building

1600 Genessee, Suite 842

Kansas City, MO 64102-5639

Ph: 816.474.4600

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[mark.jess@employeeightslawfirm.com](mailto:mark.jess@employeeightslawfirm.com)

[christie.jess@employeeightslawfirm.com](mailto:christie.jess@employeeightslawfirm.com)

[Kelly.ruark@employeeightslawfirm.com](mailto:Kelly.ruark@employeeightslawfirm.com)

ATTORNEYS FOR THE PLAINTIFF



2016-CV25583



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
MISSOURI COMMISSION ON HUMAN RIGHTS

MICHAEL L. PARSON  
GOVERNOR

ANNA S. HUI  
DEPARTMENT DIRECTOR

MARTHA STAGGS  
COMMISSION CHAIRPERSON

ALISA WARREN, PH.D.  
EXECUTIVE DIRECTOR

Maracella Barth  
14405 Henson Road  
Holt, MO 64048  
Via Complainant Attorney Email

NOTICE OF RIGHT TO SUE

RE: Maracella Barth vs. PARALLON ENTERPRISE, LLC  
E-07/19-51173 28E-2019-01253C

The Missouri Commission on Human Rights (MCHR) is terminating its proceedings and issuing this notice of your right to sue under the Missouri Human Rights Act because you have requested a notice of your right to sue.

This letter indicates your right to bring a civil action within 90 days of the date of this notice against the respondent(s) named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, but it must be brought no later than two years after the alleged cause occurred or its reasonable discovery. Upon issuance of this notice, the MCHR is terminating all proceedings relating to the complaint. No person may file or reinstate a complaint with the MCHR after the issuance of a notice of right to sue relating to the same practice or act. You are hereby notified of your right to sue the Respondent(s) named in your complaint in state circuit court. **THIS MUST BE DONE WITHIN 90 DAYS OF THE DATE OF THIS NOTICE OR YOUR RIGHT TO SUE IS LOST.**

You are also notified that the Executive Director is hereby administratively closing this case and terminating all MCHR proceedings relating to it. This notice of right to sue has no effect on the suit-filing period of any federal claims. This notice of right to sue is being issued as required by Section 213.111.1, RSMo, because it has been over 180 days after the filing of the complaint and MCHR has not completed its administrative processing.

Respectfully,

Alisa Warren, Ph.D.  
Executive Director

September 23, 2020  
Date

C: additional contacts listed on next page



3315 W. TRUMAN BLVD.  
P.O. BOX 1129  
JEFFERSON CITY, MO 65102-1129  
PHONE: 573-751-3325

111 N. 7TH STREET, SUITE 903  
ST. LOUIS, MO 63101-2100  
PHONE: 314-340-7590  
FAX: 314-340-7238

P.O. BOX 1300  
OZARK, MO 65721-1300

1410 GENESSEE, SUITE 260  
KANSAS CITY, MO 64102  
FAX: 816-889-3582

108 ARTHUR STREET  
SUITE C  
SIKESTON, MO 63801-5454  
FAX: 573-472-5321

Missouri Commission on Human Rights is an equal opportunity employer/program. Auxiliary aides and services are available upon request to individuals with disabilities.

TDD/TTY: 1-800-735-2986 (TDD) Relay Missouri: 711  
www.labor.mo.gov/mohumanrights E-Mail: mchr@labor.mo.gov



RE: Maracella Barth vs. PARALLON ENTERPRISE, LLC  
E-07/19-51173 28E-2019-01253C




PARALLON ENTERPRISE, LLC  
1100 Dr. Martin Luther King, Jr. Boulevard, Suite 1100,  
Nashville, TN 37203

PARALLON ENTERPRISE, LLC  
1100 Dr. Martin Luther King, Jr. Boulevard, Suite 1100  
Nashville, TN 37203  
*Via Respondent Contact Email*

K. Coe Heard  
2501 Park Plaza  
Nashville, TN 37203  
*Via Email*

Christie Jess  
ATTORNEY AT LAW  
1600 Genessee Street, Suite 842  
Kansas City, MO 64102  
*Via Email*

Office/Bldg /  
Deliver To  
(Floor / Room)  
stk registered agent inc.  
Sender  
employee ri...  
Received  
Dec 23, 2020  
09:39  
INB0165805  
Signature Required

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<b>PRIORITY MAIL 1-DAY™</b>			
DANA VAUGHN EMPLOYEE RIGHTS LAW FIRM 1600 GENESSEE ST STE 842 KANSAS CITY MO 64102-1005		Expected Delivery Date: 12/22/20  0006	
		<b>C019</b>	
SHIP TO: STK REGISTERED AGENT INC. 900 W 48TH PL STE 900 KANSAS CITY MO 64112-1899			
<b>USPS TRACKING #</b>			
			
9405 5036 9930 0206 1052 49			
Electronic Rate Approved #038555749			

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